

40 WALL STREET, SUITE 2833 • NEW YORK, NY 10005
TEL: (212) 267-2101 • FAX: (646) 512-5604
WEBSITE: www.rwapc.com

April 15, 2020

Hon. Robert W. Lehrburger, USMJ
United States District Court
Southern District of New York
500 Pearl Street, Room 1960
VIA ECF

Re: Wilson et. al. v. Pasquale DaMarino et. al.
SDNY Docket No.: 10-cv-2709(PGG)(RWL)

Dear Judge Lehrburger,

I represent Plaintiffs in the above-captioned matter. Please accept this letter as a status report and, for the reasons that follow, the parties' joint request to extend the time to file a motion for *Cheeks* review by the end of May, 2020. This is the second request of this sort, the previous request having been granted by Your Honor on March 10, 2020. There is no prejudice to any party.

First and foremost, please be kind enough to excuse the late filing of the instant motion. Because of the onset of the pestilence, counsel have had difficulty communicating with each other since mid-March. I learned today from counsel for Defendants Rossi and Montesarchio that somehow I had missed his email from more than a week ago. At present, we are very close to resolving minor textual issues in the settlement agreement documents. Finally, we are still in the process of executing a consent to Your Honor's jurisdiction.

Because of the need to finalize the settlement agreement documents, and the logistical difficulties occasioned by the stay-at-home restrictions as well as the fact that one of the plaintiffs is presently stuck outside of the United States, counsel for the parties believe that the end of May is a realistic date for the parties to complete this case.


Given these developments, counsel for the parties believe that they will be able to file the *Cheeks* motion by the end of May, 2020.

**Granted. The Cheeks submission
shall be due on May 28, 2020.**

Respectfully submitted,

/s/Robert Wisniewski
Robert Wisniewski

SO ORDERED:

 4/16/2020

HON. ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE